

Docket No.: 00-VE03.13 (65632-0065)

**REMARKS**

Claims 1-44 are currently pending. Applicant kindly thanks the Examiner for allowing claims 9-44. Applicant respectfully requests reconsideration of all remaining claims in view of the remarks set forth below.

**Rejection of Claims 1-8 under 35 USC § 102 and § 103**

The Examiner rejects Claims 1-8 under 35 USC § 102(e) and 35 USC § 103(a) over Farris (US Pat. No 6,064,653). The Examiner states that Farris discloses voice calling on a packet switched network (internet) and using an ISDN link to provide a second landline packet switched network. The Examiner states that the ISDN link is a separate data network from the POTS and does not utilize the PSTN voice circuit switching facilities. Applicant respectfully traverses the rejection.

Reviewing Farris, this reference generally discloses a communication system that establishes communication links across the internet, and switches to an ISDN connection when the internet connection falls below a certain threshold quality level. Specifically, the internet connection is monitored, and if the quality drops below a threshold, then the call is re-routed through the ISDN link. However, contrary to the Examiner's assertion, an ISDN connection is not separate from a POTS network and does use a PSTN voice switching circuit. Instead, the ISDN link carries two voice-bands over the PSTN ("B" channels) and also has a low-speed data channel ("D" channel), which is not used for carrying speech. The Farris reference clearly states that the voice is carried over the B channels (11; lines 60-64). It also states that the "D" channel is used for signaling, not voice (12; lines 18-26). The B channels terminate in a PSTN switch, and are routed over the PSTN. Therefore, the ISDN link uses the POTS and is not a separate packet switched network. In fact, as the Farris reference teaches a POTS (ISDN) network backing up the packet voice network, the Farris reference teaches away from a two packet switch approach.

Conversely, independent Claim 1 recites the use of two packet switched networks to rout calls. The first may be an internet or other packet network, and the second is also a packet network separate from the POTS network. In one example, the second network is a common channel interoffice switching system (CCIS) for controlling the PSTN. By using a second packet

**Docket No.: 00-VE03.13 (65632-0065)**

switched network, especially one such as the CCIS that already in place, the present invention can avoid increasing call volume on the POTS network when the internet connection falls below the threshold value. Accordingly, as the present invention utilizes two packet networks, separate from the POTS, Applicant respectfully requests withdrawal of the rejection, and submits that Claims 1-8 are in a condition for allowance.

Docket No.: 00-VE03.13 (65632-0065)

**CONCLUSION**

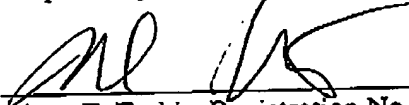
This application is now in condition for allowance. It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper.

However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

If the Examiner has any questions or comments, he is kindly urged to call the undersigned to facilitate prosecution.

Respectfully submitted,

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